

Remarks

Summary

Claim 1 and Claim 13 have been amended to better point out the invention by including the limitation that the pivoting of the handle is from a perpendicular position to a parallel position with respect to the telescoping shaft.

Applicant respectfully submits that there are substantial differences between the claimed invention and the prior art of record meriting patentability based on at least three substantial arguments: 1) there is no effective motivation to combine the prior art; 2) the result of the combination of the elements in the manner of the present invention achieves an unexpected degree of compactness and ease of use; and 3) prior art attempts to achieve compactness have failed to achieve the degree of compactness achieved by the present invention. Applicant requests that Examiner consider the preponderance of evidence in determining the patentability of the present invention.

Summary of Examiner Telephone Interview September 9, 2005

Participants:

Examiner: J. Casimer Jacyna

Applicant represented by James Richards

Claims Discussed: Claims 1-16

Results: Agreement was reached that proposed claims 1-16 appear to be allowable after amendments including the limitation that the handle pivot from a position perpendicular to the shaft to a position parallel to the shaft.

Remarks Concerning the Amendment to Claim 1.

Claim 1 has been amended to better point out the invention by including the limitation: "said handle pivoting from a first position perpendicular to said first shaft to a second position parallel to said first shaft." In Reuschal, the pivot location identified by the Examiner is a splined opening 48 at the center of the handle. The splined opening is

used to couple the handle to the drive motor which is coupled to the shaft. Although the handle is normally held stationary while the motor turns the shaft, one could turn the shaft by rotating the handle, thus the pivoting axis is the rotation axis of the shaft. The spline coupling would prevent pivoting of the handle to a parallel position relative to the shaft as is now required in amended claim 1.

With respect to the handles of Reuschal, Applicant respectfully submits that the handles do not “fold.” Handle 34 is a single piece construction and does not fold or pivot with respect to the shaft in a folding manner. Auxillary handles 51 and 52 may be attached with a bolt in a fixed manner or removed. No folding action is disclosed.

Claim 13 has been amended to more particularly point out the invention including the limitations of claim 14 and the limitation that the handle folds from a position parallel to the shaft to a position perpendicular to the shaft. Claim 14 has been canceled.

With respect to the 102 rejection of claims 13 and 14 as being anticipated by Stinnett. Applicant submits that Stinnett does not disclose a handle with folding sections. The auxiliary sections disclosed by Stinnett may be attached with a “pin, screw, bolt, nut or the like”, or removed, but no folding or pivoting action is disclosed. Neither the handle, nor the auxiliary sections pivot from a position perpendicular to the shaft to a position parallel to the shaft as is now required in amended claim 13.

Claim 15, is a new dependent claim having the limitation “the first shaft is a straight bar shape.” Bate has a “bent up portion” (Fig. 4, item 12) at the end of the shaft that is undesired as it may catch on other tools or wires in the tool box and generally disrupt the compact shape of the storage configuration, complicating the packing of the tool in the toolbox.

With respect to the 103 rejections in view of Bate.

There Is No Effective Motivation To Combine The Prior Art

Applicant submits that no effective motivation to combine exists. Applicant finds no motivation within Stinnett. Alleged motivation derived from Bate may be based on

general benefits alleged by Bate or general statements that the handle could be used for other things besides the automobile jack discussed by Bate. No suggestion targeting street key valve operating tools is disclosed.

Examiner suggested the motivation “for the purpose of allowing quicker adjustment of the handle and ensuring against loss of the detached parts.” Applicant submits that Examiner’s motivation is derived from impermissible hindsight. By placing applicant’s Fig. 1 and Fig. 3 next to Stinnett’s Fig. 1 and Fig. 2, one can quickly observe the improvement of Applicant’s invention with respect to quick adjustment of the handle and ensuring against loss of parts; and one can further see the much greater compactness of Applicants invention in the storage configuration. Concerning a possible general motivation for “allowing quicker adjustment of the handle and ensuring against loss of the detached parts,” Applicant submits that those skilled in the art have been solving these issues for decades. The issue of detached parts has been solved by welding the parts together, and the issue of quick adjustment of the handle has been solved by supplying one welded handle that needs no adjustment.

As further evidence of the lack of motivation to combine, any purported suggestion from Bate to combine the Bate pivoting handle with a conventional T handle street key design has remained ineffective within the industry of street key valve operation tools since at least August of 1922, the date of the Bate patent. Further, the purported suggestion was neither heeded nor acknowledged by Stinnett.

Prior Art Attempts To Overcome The Awkwardness Of A Large T Handle Have Failed To Achieve The Degree Of Compactness Achieved By The Present Invention

Stinnett provides attachable extension handles for added torque capability. Stinnett recognizes the awkwardness of the extended handle for everyday use and provides for the extension length to be detached when not needed. Stinnett fails to provide a pivoting handle or to suggest a pivoting handle. Stinnett also fails to provide a push button locking mechanism or suggest a push button locking mechanism. Further, the Stinnet version requires assembly and disassembly with attendant storage of multiple

separate parts that may become separated and lost. Further, the assembly may require additional tools when screws are used as the attachment components.

The Chick invention collapses to a linear bar type shape, fitting comfortably in the corner of a 2 foot (60cm) tool box, occupying less than 1 square inch by 24 in of space. The overall shape has no protrusions that tangle with other tools or wires or the like that may also occupy the tool box. The invention is stored in one contiguous assembly, without parts that may be separated and lost. The invention can be configured for use in seconds without the use of additional tools.

The Result Of The Combination Of The Elements In The Manner Of The Present Invention Achieves An Unexpected Degree Of Compactness And Ease Of Use

The degree of compactness achieved when the tool is in the storage configuration exceeds the expectation of even the inventor. Petition is attached from the inventor stating that his surprise and delight upon seeing the compactness and ease of use of the first prototype of the invention motivated him to seek a patent on his discovery.

Considering the unprecedented degree of compactness and convenience of use of the present invention, Applicant further requests Examiner to consider the preponderance of evidence indicative of patentability of the present invention.

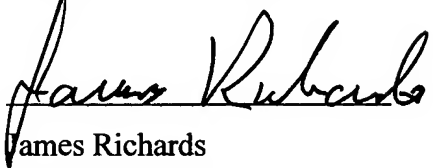
Conclusion

Applicant submits that the substantial differences between the prior art and the claimed invention result in substantial new advantages and benefits with respect to compactness of storage and convenience and ease of operation that are unprecedented in the art of street key valve operating tools. These differences and new benefits are indicative of the patentability of the invention as claimed.

Applicant submits that all of the stated grounds of objection have been accommodated or rendered moot. Applicant believes the claims are now in condition for allowance and respectfully requests such action.

If the Examiner believes, for any reasons, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James Richards", written over a horizontal line.

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